

EXHIBIT A

Order

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:
Three Arrows Capital, Ltd.,
Debtor in a Foreign Proceeding

Chapter 15

Case No. 22-10920 (MG)

[PROPOSED] ORDER COMPELLING COMPLIANCE WITH SUBPOENA

Upon the Foreign Representatives of Three Arrows Capital, Ltd.’s Motion for an Order (I) Holding Kyle Livingstone Davies to be in Civil Contempt for Failure to Comply with March 30, 2023 Court Order; and (II) Granting Sanctions Against Kyle Livingstone Davies (the “Motion”),¹⁴ filed on June 14, 2023, by the duly authorized Foreign Representatives of the Three Arrows Capital, Ltd., seeking entry of an order (this “Order”) substantially in the form attached to the Motion as Exhibit A (a) holding Mr. Davies in contempt for failure to comply with this Court’s Motion to Compel Order, and (b) granting sanctions against Mr. Davies; and this Court having considered (a) the Motion, (b) the Mohebbi, Englander, Ikeda, and Crumpler Declarations, and (c) the evidence presented at the hearing before this Court on August 8, 2023 (the “Hearing”); and appropriate and timely notice of the filing of the Motion having been given to the Office of the United States Trustee, the Securities and Exchange Commission, the Founders, the members of the committee of unsecured creditors appointed in connection with the BVI Proceeding, and any party that has requested notice pursuant to Bankruptcy Rule 2002 of which the Foreign Representatives are aware, and that no other or further notice need be provided; and upon all of

² Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the Motion.

the proceedings had before the Court; and after due deliberation and sufficient cause appearing therefor, the Court finds and concludes as follows:¹⁵

(a) The Court has jurisdiction to consider this Motion pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b).

(b) This Court may enter a final order consistent with Article III of the United States Constitution.

(c) The relief sought by the Foreign Representatives in the Motion is authorized under Bankruptcy Rules 9014 and 9020 and Federal Rules 37 and 45.

(d) The Foreign Representatives have established that this Court may exercise personal jurisdiction over Mr. Davies, as he has purposefully availed himself of the benefits of doing business in the United States, his contacts with the United States are substantially related to the documents sought by the Subpoena, and exercising jurisdiction over Mr. Davies comports with the notions of fair play and substantial justice.

(e) The Court finds that the Foreign Representatives have made a satisfactory showing that (1) the order Mr. Davies failed to comply with is clear and unambiguous, (2) the proof of Mr. Davies's noncompliance is clear and convincing, and (3) Mr. Davies has not diligently attempted in a reasonable manner to comply, such that a finding of civil contempt is necessary and appropriate. Further, the Court finds that granting sanctions in the form of (i) awarding a daily fine of \$10,000 against Davies, such fine which shall inure to the Debtor, and (ii) the Foreign Representatives' attorney's fees for the costs and expenses associated with compelling Mr.

³ The findings and conclusions set forth herein constitute the Court's findings of fact and conclusions of law pursuant to Bankruptcy Rule 7052, made applicable to this proceeding pursuant to Bankruptcy Rule 9014. To the extent any of the following findings of fact constitute conclusions of law, or any of the following conclusions of law constitute findings of fact, they are adopted as such.

Davies's compliance with the Subpoena is an appropriate means of securing compliance with this Court's Motion to Compel Order and deterring Mr. Davies's further noncompliance.

IT IS HEREBY ORDERED THAT:

1. The Motion is granted.
2. Mr. Davies violated the March 30, 2023 Motion to Compel Order because he failed to comply with the subpoena by April 13, 2023.
3. Mr. Davies is in civil contempt of Court.
4. Mr. Davies shall have thirty (30) days from service of this Order to purge his contempt of the March 30, 2023 Motion to Compel Order by complying in full with the Subpoena.
5. Mr. Davies shall be liable for (i) a daily fine of \$10,000 until he complies in full with the Subpoena, and (ii) the Foreign Representatives' reasonable costs and expenses (including attorneys' fees) associated with securing his compliance with the Subpoena, evidence of such reasonable fees to be provided separately upon issuance of this order.

Dated: _____, 2023

MARTIN GLENN

Chief United States Bankruptcy Judge